

REMARKS

Applicants request reconsideration of the application in view of this Amendment.

Claims 1-5, 7, 14 and 16 are canceled. Claims 17-34 are added. Of these, claims 1-5 and 16 are canceled pursuant to their being withdrawn. Claims 7 and 14 were cancelled and rewritten as new independent claims 18 and 19, pursuant to the Examiner's indication that they would be allowable if recast in independent form. No new matter has been entered.

Abstract

The Abstract is amended to replace the word "comprises" with "includes", to overcome an objection by the Examiner.

Claim 6

Claim 6 is amended with two editorial corrections. One of the corrections, changing "condition" to "position", is simply to render the claim language self-consistent.

Claim 6 recites a frame having a first end wall and a fastening tab. In an end-mounted position of the frame, the first end wall faces a stud's side surface, and the fastening tab is fastened to the stud's front surface.

This is not anticipated by the reference cited in the Office Action under 35 USC 102(b), U.S. Patent 5,579,939 to Bourassa. That is because Bourassa's tabs 54, noted by the Examiner, are not fastened to the stud's front surface as claimed, but rather penetrate the stud's side surface. Bourassa's other tabs 52 are not fastened to the stud as claimed, but rather only abut it. Therefore, claim 6 is novel over the cited prior art.

Claims 8-10 and 20-23

Claims 8-10 and 20-23 depend from claim 6. The limitations that they add to claim 6 distinguish them further from the prior art. Therefore, claims 8-10 and 20-23 are also novel over the prior art.

Claim 11

Claim 11 recites a frame with a first end wall, a fastening tab and a fastener support. In an end-mounted position, the first end wall faces a stud's side surface, the fastening tab is fastened to the stud's front surface, and a distal end of the fastener support contacts the stud's side surface.

This is not made obvious by Bourassa, even in view of U.S. Patent 5,667,512 to Reiker, cited in the Office Action under 35 USC 103(a). That is because neither reference discloses or suggests a fastening tab fastened to the stud's front surface as claimed. As explained above, Bourassa's tabs 54 are not fastened to the stud's front surface as claimed, but rather penetrate the stud's side surface. Bourassa's other tabs 52 are not fastened to the stud as claimed, but rather only abut it.

Moreover, both references lack the claimed fastener support with a distal end contacting the stud. The distal end of Reiker's fastener support, noted by the Examiner, is not configured to contact the stud. Nor is there any suggestion in the references, or motivation, for it to do so.

Therefore, claim 11 is patentable over the prior art.

Claims 12-13, 15 and 17

Claims 12-13, 15 and 17 depend from claim 11. The limitations that they add to claim 11 distinguish them further from the prior art. Claims 12-13, 15 and 17 are therefore also patentable.

Claim 18-19

The Examiner indicated that claims 7 and 14 would be allowable if rewritten in independent form. Accordingly, claims 7 and 14 are canceled and recast as independent claims 18 and 19. Claims 18 and 19 should therefore be allowed.

Claims 24-34

Claims 24-34 are directed to an alternative embodiment similar to that claimed in claims 6 and 11, but with the introduction of means language in the case of claims 28-34 and with slightly different wording utilized in claims 24-27. Claims 24-34 are submitted to be allowable over the art of record for the reasons discussed above in connection with claims 6 and 11.

Applicants respectfully submit that the application is now be in condition for allowance, and allowance is requested. The Commissioner is authorized to withdraw any fees required for filing this Amendment from Deposit Account No. 50-1432, reference 427600600064.

Respectfully submitted,

Mitchell Rose

Mitchell Rose, Patent Agent
Registration No. 47,906
JONES DAY
901 Lakeside Ave.
Cleveland, OH 44114
(216)586-7094

Date: 4/20/2004